HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 13350 OF 1998

Between:

V. Raghurami Reddy

… Petitioner

and

The Vice-Chairman and Managing Director,
APSRTC, Musheerabad, Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 13350 OF 1998

ORAL ORDER:

Aggrieved by the proceedings dated 16.8.1997, whereby the petitioner's request for absorption into the services of the Andhra Pradesh State Road Transport Corporation was rejected, the present writ petition is filed.

The petitioner herein had earlier approached this court along with five (5) others by way of W.P.No.7906 of 1991 and this court, while disposing of the writ petition by order dated 17.11.1995, had observed that the petitioners were issued certificates as required under the circular dated 10.11.1983, duly certified by the Labour Officer certifying their employment on private buses and in view of these certificates, it could not be said that the petitioners are not displaced employees. This court further observed that in any event this was a matter to be verified by the authorities for considering their cases for appointment to the posts of conductor or cleaner or to any other suitable posts and since the detailed reasons were not assigned in the counter for rejection of their cases, except stating that they were not genuine candidates, this court disposed of the writ petition directing

the respondents to reconsider the matter afresh.

On the ground that their case was not considered, the petitioner herein filed C.C.No.777 of 1996 and this court by order dated 4.9.1996, closed the contempt directing the respondents to consider the case of the petitioner for absorption, subject to availability of vacancies based on the affidavits filed by the petitioner from his co-employees as proof of his having worked on a private bus.

In compliance of the aforesaid orders of this court, the respondents considered the case of the petitioner and vide proceedings dated 16.8.1997 rejected his claim of being a genuine displaced worker, as also on the ground that there was no vacancy left over for the vehicle in question. The second respondent took note of the fact that four (4) of his co-workers had filed affidavits before this court and therefore the selection committee had chosen to record their individual statements. The second respondent noted that the four (4) co-workers of the petitioner, in their statements, stated that they had signed the affidavits written in Telugu; that they had no knowledge of the affidavits written in English, which were produced before this court and that they had signed the affidavits at the depots and not before the notary. The second respondent noted that the selection committee had interviewed the 5th worker of the vehicle, who is also absorbed in the RTC, and after verification of the entire case together with the statement of the co-workers, was of the opinion that the petitioner had merely worked as an Acting Checking Officer and that he did not work continuously on the vehicle for a period of one year and that there was no provision of absorption for stop-gap workers in RTC as per circular

instructions. The selection committee noted that the muster registers, wage registers, trip sheets, check reports etc, had not been produced and that the affidavits, without the supporting evidence, could not be accepted as proof of the genuineness of the claim of the petitioner, that the eligibility of the displaced employees were required to be examined as per the circular dated 10.11.1983, wherein it was provided that the services of any displaced worker should be corroborated through records such as muster registers etc. The selection committee also noted that a maximum number of five (5) workers were eligible for absorption towards vehicle No. AAN 5119 as per the circular dated 10.11.1983 and since five (5) employees had already been absorbed, there was no vacancy left over.

In view of such circumstances, the selection committee was of the view that the petitioner was not a genuine displaced worker and that there was no vacancy left for the vehicle in question and as such, the petitioner was not entitled to be absorbed.

Sri S. Sri Ram, learned counsel for the petitioner, would contend that the impugned order is contrary to the directions of this court and inasmuch as this court had categorically observed that the certificates produced by the petitioners, as certified by the Labour Officer, certifying the employment of the petitioner in a private bus was in accordance with circular dated 10.11.1983, it was not open to the respondents to go beyond this finding of fact recorded by this court. Learned counsel would also refer to the order of this court in C.C.No.777 of 1996, wherein the respondents were required to

consider the case of the petitioner for absorption subject to availability of vacancies based on the affidavits filed by the petitioner from his co-workers. Learned counsel would submit that instead of relying only on the affidavits, the respondents had acted beyond the scope of the order of this court in recording the statement of the co-workers and coming to the conclusion that the petitioner was disentitled from being absorbed in the services of the RTC.

Both these contentions do not merit acceptance. While it is true that this court had observed that the certificates produced by the petitioners were in accordance with the circular dated 10.11.1983, it had also observed that in any event, it was a matter which required to be verified by the authorities while considering the case of the petitioners for appointment to the post of conductors. The orders of this court in W.P.No.7906 of 1991 dated 17.11.1995 did not preclude/bar the respondents from verifying as to whether the petitioner satisfied the requirement of the circular dated 10.11.1983.

While it is true that this court in C.C.No.777 of 1996 had directed that the case of the petitioner be reconsidered by taking into consideration the affidavits filed, as is clear from the impugned order, the genuineness of the affidavits furnished by four (4) of the co-workers of the petitioner were found not acceptable. The selection committee recorded the statements of these four (4) co-workers, who categorically stated that they had signed on the affidavits written in Telugu; that they were not aware of the affidavits produced before the High Court written in English and that they had signed the affidavits at the depots and not before the notary. Since the co-workers had themselves disputed

having given such affidavits, the action of the selection committee in recording their statements cannot be faulted.

In any event, as has been held by the selection committee, five (5) employees belonging to the said bus have already been absorbed and since the circular dated 10.11.1983 permits absorption of a maximum of five (5) employees for each bus, the petitioner, even if he were held to be an employee of the bus being the 6th employee, was not entitled for absorption.

Viewed from any angle, the impugned order of the second respondent dated 16.8.1997 does not call for any interference.

The writ petition fails and is accordingly dismissed. However, in the circumstances, without costs.

RAMESH RANGANATHAN, J

DATE: 8.8.2007

CVM